

## REMARKS

After entry of this amendment, the pending claims are: claims 1-33. The Applicant would like to thank the Examiner for the indication of allowance of the subject matter disclosed in claims 9, 10, 20 and 24-26. Reconsideration and allowance of the present application in view of the following remarks is respectfully requested.

This amendment is filed in response to the Office Action dated October 10, 2003. In the Office Action the Examiner:

- Allowed claims 28-33
- rejected claims 1-8, 11-14, 16-19, 22, 23 and 27 under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent No. 5-66014 to Meury (“Meury”);
- rejected claims 1-8, 11-14, 16-19, 22, 23 and 27 under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 6,046,528 to LaForest *et al.* (“LaForest”);
- rejected claims 15 and 21 under 35 U.S.C. 103(a) as being unpatentable over the Meury patent or the LaForest patent in further view of United States Patent No. D437,732 to Chevalier (the “Chevalier patent”);
- objected to claims 9, 10, 20 and 24-26 as being dependent upon a rejected based claim, but allowable if rewritten in independent form.

### **Independent Claims 1, 16 and 22**

Independent claims 1, 16 and 22 were rejected under 35 U.S.C. § 102(b) as being anticipated by Meury. Independent claims 1, 16 and 22 were also rejected under 35 U.S.C. § 102(b) as being anticipated by LaForest. Since these rejections are substantially the same they will be addressed together.

The Applicant would like to draw the Examiner’s attention to United States Patent No. 5,262,697 to Meury, which corresponds with Japanese Patent No. 5-66014.

Independent claim 1 recites a piezoelectric ignition mechanism comprising, *inter alia*, an assembly having first and second members rotatable with respect to one another between an activated configuration and a deactivated configuration, and a plexor movably associated with the assembly. Similarly, claims 16 and 22 recite a piezoelectric ignition mechanism comprising, *inter alia*, an assembly having first and second members rotatable with respect to one another between an activated configuration and a deactivated configuration, and a plexor movably disposed in the assembly. There is no disclosure, teaching, or suggestion in either

Meury or LaForest of a piezoelectric mechanism having a first member, a second member, and a separate plexor, wherein the first and second member are rotatable with respect to one another. The plexor being moveably associated with the mechanism. Rather, Meury discloses, a pair of telescopic members of circular cross-section, which do not rotate with respect to each other because an angular piece that has one of its flanks fixed to the inner telescopic member. *See United State Patent No. 5,262,697*, column 5, lines 31-37, column 7, lines 29-32. Moreover, as shown in Figures 1-3, and 10 the inner telescopic member 1 has a longitudinal slot 13 and a notch 12. While the outer telescopic member 2 has a window 21. The notch 12 of the inner member 1 and the window 21 of the outer member 2 are always aligned with respect to one another but for the vertical displacement of one member with respect to the other. Thus, the inner 1 and outer 2 member do not rotate with respect to one another in order to bring the notch 12 and the window 21 in an overlapping relationship, rather they simply telescopic with respect to one another.

Similarly, LaForest discloses an outer telescopic member 12, an inner telescopic member 14, and a separate plexor 28. The outer telescopic member 14 having a window 40. The inner telescopic member 14 having a longitudinal slot 36 and a notch 38. The window 40 of the outer telescopic member 12 and the notch 38 of the inner telescopic member 14 are always aligned with respect to one another but for the vertical displacement of the inner telescopic member 14 with respect to the outer telescopic member 12. Thus, similar to the Meury device, the inner 14 and outer 12 members do not rotate with respect to one another in order to bring the notch 38 and the window 40 in an overlapping relationship, rather they simply telescopic with respect to one another. That is, to operate the lighter, the user merely applies a downward force on the latch member 50, which causes the outer telescopic member 12 to be depressed so that the notch 38 overlaps with the window 40 thus enabling the plexor 28 to be rotated so that its lug 34 is retained within the notch 38.

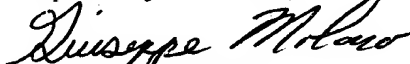
In contrast, the device of independent claims 1, 16 and 22 discloses a first member and a second member which are rotatable with respect to one another so that the separate plexor can be rotated into engagement. It is respectfully submitted that independent claims 1, 16 and 22 are thus allowable over the cited prior art since neither the Meury patent or the LaForest patent discloses, teaches, or suggests a piezoelectric ignition mechanism comprising, *inter alia*, an assembly having first and second members rotatable with respect to one another, and a plexor movably associated with the assembly. Withdrawal of these rejections and allowance of independent claims 1, 16 and 22 are respectfully requested.

Claims 2-15, 17-21, and 23-27 all ultimately depend from claims 1, 16 and 22 and thus, it is respectfully submitted that these claims are equally allowable. Withdrawal of these rejections and allowance of claims 2-15, 17-21, and 23-27 is therefore respectfully requested.

In light of the above amendments and remarks, it is respectfully submitted that claims 1-33 are now in condition for allowance, and the Examiner is respectfully requested to reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney at 212-790-6348, if a telephone call could help resolve any remaining issues.

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Respectfully submitted,



By: Giuseppe Molaro

52,039

(Reg. No.)

For: Brian M. Rothery

35,340

(Reg. No.)

**JONES DAY**

222 East 41st Street

New York, New York 10017

(212) 326-3939